

Official Proceedings

April 6, 2010

8:00 am

Chairman Duane Wolf called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Wolf asked for any additions to the agenda. Chairman Wolf added appointment of Weed Control Officer. Comm. Hoff moved to approve the agenda with the addition. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Zander moved to approve the minutes from the February 2, 2010 meeting. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Kuntz moved to accept the accounts payable plus the supplement as presented. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

General: Payroll: \$130,495.48; Institute of Local Government: \$225.00; ND County Treasurer: \$50.00; Barbara Oliger: \$2,334.60; Denise Andahl: \$658.00; ND State's Attorney's Assoc: \$550.00; West Payment Center: \$488.73; Dakota Water Treatment: \$36.50; Midwest Business Systems: \$393.06; SBM Inc: \$535.55; Dan's Supermarket: \$16.35; ND Recorder's Assoc: \$100.00; Comfort Inn: \$431.40; Tom's Heating Service: \$1,875.00; B & M Security Inc: \$16.50; Border States Electric: \$53.28; Braun Distributing: \$166.34; Dickinson Supply: \$18.44; Jerome Distributing: \$165.90; Newby's Ace Hardware: \$159.64; RJ Distributing: \$45.00; Superior Cleaners: \$84.00; City of Dickinson: \$8,013.80; MDU: \$3,015.59; Election Systems: \$1,942.05; Medcenter One Q & R Clinic: \$368.50; NDPers: \$15,381.64; Hardy, Maus & Nordsven: \$675.00; Keogh Law Office: \$75.00; Kropp Law Office: \$135.00; Ottmar & Ottmar: \$.44; Farmers Union of Bis/Man: \$2,082.11; Fleet Services: \$2,674.96; Gary's Painting: \$50.00; Temp Right Service: \$75.00; Alltel: \$720.18; Consolidated: \$517.65; Qwest: \$487.00; US Postal Service: \$50.00; Pitney Bowes Inc: \$687.36; Service Printers: \$94.15; Xerox Corporation: \$298.72; ND Dept of Transportation: \$15.00; Walmart: \$187.47; Dickinson Parks & Rec: \$70.72; Dan's Body Shop: \$337.35; DJ's Tesoro: \$153.65; Expressway Suite: \$252.00; Visa: \$1,329.46; HR Colaborative: \$150.00; Great Plains Clinic: \$55.00; Dakota Rubber Stamp: \$24.95; West Government Services: \$193.60; Advanced Business Methods: \$416.30; Wanner Western Wear: \$70.98; Dickinson Tire: \$120.87; Midas Auto Service: \$484.36; Quality Quick Print: \$40.00; Sax Motor Co: \$315.29; T-Rex Conoco Inc: \$225.67; Cenex Fleetcard: \$49.91; Farmers Union of Richardton: \$562.23; Todd Weiler: \$60.00; Runnings Supply: \$113.94; SW Wireless: \$1,044.92; Clarence Tuhy: \$7.78; Sirchie: \$211.47; Balco Uniforms Center: \$1,421.81; LEC Maintenance: \$8,354.17; Stark County Auditor (Federal Deposit): \$454.93; Professional Printing: \$66.00; Kohler Communications: \$100.00; Western Fire & Safety: \$97.00; Southwestern District Health: \$667.92; Dickinson Press: \$90.72; Roosevelt Custer Regional Council: \$3,024.00;

10 Mill: Kadrmas, Lee & Jackson: \$3,788.70; Raymond & Vivian Luptak: \$500.00; Robert & Edna Privratsky: \$500.00;

County Road: Baranko Bros Inc: \$4,017.50; Binstock Farms: \$1,000.00; Northern Improvement: \$6,784.23; Onsite Improvement: \$1,495.00; Laurine Engel: \$9,610.00; Acme Electric Co: \$8,500.00; Alltel: \$91.73; City of Belfield: \$19.40; City of Dickinson: \$63.89; City of Richardton: \$69.30; Consolidated: \$40.46; MDU: \$1,040.04; Roughrider Electric: \$1,146.00; Southwest Water Authority: \$43.32; Qwest: \$54.77; MDU: \$136.95; Belfield Automotive: \$20.75; Border States Electric: \$209.88; Carquest Auto Parts: \$420.72; Catco: \$2,361.34; Creative Energy: \$45.43; Dickinson Supply: \$225.30; Fastenal Company: \$32.74; Jerome Distributing: \$60.55; Kohler Communications: \$792.09; Light and Siren: \$45.00; Newby's Ace Hardware: \$247.31; R J Distributing: \$40.00; Rummel Auto Wrecking: \$46.70; Runnings Supply: \$382.55; Schmidt Repair Inc: \$1,419.62; West Dakota Oil: \$2,759.51; Western Fire & Safety: \$495.70; Beall Corporation: \$2,118.39; Dakota Filter Supply: \$4.50; George's Tire Shop: \$426.00; JP Steel & Supply: \$152.86; Larry's Alignment: \$80.00; Safelite Fulfillment: \$180.54; Tom's Body Shop: \$307.05; Butler: \$2,621.25; Dakota Farm Equipment: \$84.50; Dickinson Tire: \$3,745.00; DTE Truck Equipment: \$166.00; Lenny's Repair: \$431.40; R & J Communications: \$29.75; Todd's Auto: \$167.45; Missouri Valley Petroleum: \$1,791.00; Southwest Grain: \$15,520.78; Berger Electric: \$659.83; ETSystems Inc: \$579.00; Light & Siren: \$242.77; Praxair: \$168.79; Pump Systems Inc: \$152.07; Kris Engineering: \$2,943.20; Dickinson Ready Mix: \$497.26; Lyle Signs Inc: \$265.74; Dickinson Press: \$184.86; Payroll: \$178.92;

Highway Tax Distribution: Payroll: \$60,232.63; NDPers: \$14,328.39;

Special Road & Bridge: Ivan & Beryl Sievers: \$9,057.60; Vincent & Ardella Veverka: \$27,612.50;

Social Welfare: Lisa M Severson: \$52.50; ND Dept of Human Services: \$6,863.07; Emil Berard: \$165.00; Kinderkidz Learning Center: \$248.00; SW Area Support: \$72.00; Payroll: \$158,628.48; DJ's Tesoro: \$30.00; NDPers: \$37,912.61; Social Services: \$24,918.61; Sunrise Youth Bureau: \$480.00; West River Community Center: \$57.75; Sunrise Youth Bureau: \$590.00;

County Poor: ND Dept of Human Services: \$25,302.67;

IT – Computer/Updates: NDACO Resources: \$299.00; Payroll: \$4,586.40; NDPers: \$1,194.66; Stark County Auditor (Federal Deposit): \$331.22; Alltel: \$66.70; Consolidated: \$179.22; Archonix: \$500.00; Dell Marketing: \$146.81; ESP Computers: \$109.90; SBM Inc: \$1,030.98; Information Technology Dept: \$1,248.60; CDW Government Inc: \$1,207.25;

Capital Improvement: Kadrmas, Lee & Jackson: \$1,250.00; Rudy's Lock & Key: \$1,250.00;

Fair Board: Stark County Fair Board: \$3,405.44;

County Jail: SWMCCC: \$41,597.77;

Insurance: American Insurance Center: \$7.00;

Comp Health: Blue Cross Blue Shield: \$144.80; NDPers: \$20,736.92;

VSO Fund: Payroll: \$5,584.05; NACVSO: \$300.00;

Social Security: Stark County Auditor (Federal Deposit): \$25,314.30;

Advertising: Dickinson Press: \$163.80;

County Agent: Payroll: \$4,047.55; NDPers: \$374.80; NDSU Extension Service: \$24,376.00; Kurt Froelich: \$328.50; Stark-Billings County 4H: \$136.50; Samantha Roth: \$30.00; Consolidated: \$148.45; Office Pro: \$40.00; SBM Inc; \$41.00; Ag Communication: \$60.00;

Weed Control: Payroll: \$5,796.71; NDPers: \$1,082.84; Alltel: \$22.26; NDSU Extension Program: \$80.00; Stark County Auditor (Federal Deposit): \$184.90;

9-1-1: Payroll: \$3,310.24; NDPers: \$1,230.47; Stark County Auditor (Federal Deposit): \$220.16; City of Dickinson: \$7,112.92; Qwest: \$1,607.57; Consolidated: \$511.00; Reservation Telephone: \$80.00; NDACO: \$12,996.39;

Adult Education: Mulligan's Catering: \$191.76; NDSU Extension Pesticide Program: \$714.00;

Domestic Violence: State Treasurer: \$280.00;

Traf Safety Grant: Payroll: \$1,298.66; Farmers Union Oil of Bis/Man: \$21.25;

Cops Grant: Payroll: \$3,262.16; NDPers: \$1,209.00; Stark County Auditor (Federal Deposit): \$225.12;

Misc. Grant: Balco Uniforms Co: \$693.19;

Game & Fish: ND Game & Fish: \$4.00;

Security/Transfer DJS Reimb: Farmers Union Oil of Bis/Man: \$275.28; Fleet Services: \$143.56;

SW Victim Witness Program: SBM Inc: \$147.32; Alltel: \$36.06; Consolidated: \$.95; Payroll: \$3,838.95; NDPers: \$674.21; Stark County Auditor (Federal Deposit): \$281.73;

Hazardous Chemical Prep: Domino's Pizza: \$37.22;

DVRCC: Domestic Violence: \$821.50;

Preservation Fund: Cass County Treasurer: \$1,431.00; Underground Vaults: \$3,467.69;

State Reimbursements: Travis Leintz: \$25.00; Daniel Ferrie: \$165.00; Amber Quesada: \$330.13; Amelia Quesada: \$50.00; Deandra Vigil: \$75.00; Joe Zayden: \$75.00; Daniel Ferrie: \$165.00; Cambyr Whitworth: \$25.00;

Siren Contingency: Roughrider Electric: \$275.00;

Other Reimbursements: Radisson Hotel Bismarck: \$189.00; Consolidated: \$178.48; ND Division of Community Services: \$17,648.94;

Judgment Execution: Capital Credit Union: \$100.00; Stark County Sheriff's Dept: \$100.00;

911 Equipment: Visa: \$42.59;

Shirley Dukart, City Commissioner, presented over 500 signatures on a petition regarding the Central Time Zone issue being placed on the ballot for the vote of the people. Comm. Zander moved to accept the petition as submitted by Shirley Dukart and to place the question on the June 8, 2010 ballot, which reads as follows; Should the Stark County Commissioners petition the US Department of Transportation to Place Stark County in the Central Time Zone, with a vote of Yes or No. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to grant Suzanne Medley with Bison Pipeline LLC's request to amend the zoning ordinance from Agricultural to Residential/Agricultural with a Conditional Use noted as Sec. 501-B #6 (heavy commercial outdoor storage with proper screening or buffering and no permanent structures of buildings), located in Lots 9 and 10 Section 4, Township 140, Range 96. Comm. Hoff moved to accept the Zoning Boards recommendation to grant Suzanne Medley with Bison Pipeline LLC's request to amend the zoning ordinance from Agricultural to Residential/Agricultural with a Conditional Use noted as Sec. 501-B #6. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to grant Great Northern Project Development's request to amend the zoning ordinance from Agricultural to Industrial with the following nine conditional uses as defined by section 5.08-B of the Stark County Zoning ordinance;

1. Chemical fertilizer plant
2. Coal Gasification or conversion plant

3. Coal mine
4. Electric power generating plant
5. Liquid, gas bulk, explosive, highly compressed or other hazardous material storage
6. Mineral and other substance exploration or excavation and mining accordance with provisions of Sec. 6.10
7. Solid waste landfill
8. Manufacture of hazardous products
9. Manufacture of odorous products

The location being in All south of the railroad Section 9, All south of the railroad Section 10, SW1/4 south of the railroad Section 11, W1/2 and SE1/4 Section 14, All Section 15, All Section 16, All Section 17, N1/2 and SE1/4 Section 20, All Section 21, All Section 22, All Section 23, All Section 27, N1/2 and SE1/4 Section 28, NE1/4 Section 29, S1/2 and NE1/4 Section 33, All Section 34, Township 18, Range 98 and N1/2 Section 3, Township 138, Range 98. Comm. Elkin moved to accept the Zoning Boards recommendation to grant Great Northern Project Development's request to amend the zoning ordinance from Agricultural to Industrial with the following nine conditional uses as defined by section 5.08-B of the Stark County Zoning ordinance, and also subjected to the following four conditions:

1. Great Northern Project Development obtains all the necessary local, state and federal approvals, licenses and permits relative to the operation of the coal mine.
2. Great Northern Project Development agrees in writing to replace all water lost as a result of damage to water wells caused by their mining operation.
3. Great Northern Project Development builds and maintains necessary access roads to the mining plant, in such, roads be built to the satisfaction of the Stark County Commission.
4. Great Northern Project Development will work in concert with law enforcement and emergency responders to facilitate public safety.

Commissioner Zander seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for a wheel loader. Three bids were submitted:

1. RDO for \$199,820 no trade or \$168,320 with trade
2. Butler for \$189,890 no trade or \$153,890 with trade
3. F-5 for \$195,000 no trade or \$177,000 with trade

Al Heiser, Road Superintendent reviewed the specifications for the wheel loader from each bidder. Comm. Elkin moved to award the wheel loader purchase to Butler. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for hot bituminous pavement. One bid was submitted by Northern Improvement Co. Comm. Hoff moved to accept Northern Improvement Co.'s bid. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave a road update and reported that the road project for the Patterson Lake Access Road was a go.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report and presented two ND Department of Transportation Construction and Maintenance Agreement for SC-4510(061)-Stark County, CMC 4510-West of Taylor, Chip Seal Coat-3.143 miles and SC-4531(053)-Stark County, CMC 4531-Hettinger County Line North, Chip Seal Coat-17.817 miles. Comm. Zander moved to authorize the Chairman sign the construction and maintenance agreements. Comm. Kuntz seconded. All voted Aye and the motion carried.

Jan Zent, City Assessor, reported one property owner has filed a property tax abatement for a reduction in their 2009 valuation due to tornado damage to their properties. A 50% reduction was given on the valuation to the properties that were demolished or not livable for the remaining six months of the 2009 taxable year. Comm. Zander moved to accept the City of Dickinson's recommendation of a 50% reduction on the valuation to properties that were demolished or not livable for the remaining six months of the 2009 taxable year. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Ken Davis, Community Developer for Roosevelt Custer Regional Council, requested Stark County to sponsor a Law Enforcement Center ADA Compliant Grant. Stark County will act as a pass through agency. Comm. Elkin moved to sponsor the Law Enforcement Center ADA Compliant Grant. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Skip Rapp, Forest Director for City of Dickinson, reported the City of Dickinson accepted the Weed Control Joint Powers Agreement between the City of Dickinson and Stark County. Chairman Wolf reported the Weed Board accepted the Joint Powers Agreement also. Discussion was held regarding costs, use of city equipment and the scope of work. Comm. Elkin moved to authorize the Chairman sign the Weed Control Joint Powers Agreement between the City of Dickinson and Stark County. Comm. Zander seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin moved to appoint Tim Meyer to fulfill Ron Hauck's term until July 1, 2011 on the Weed Control Board. Comm. Zander seconded. All voted Aye and the motion carried.

Auditor Alice Schulz presented early voting dates for the June 8, 2010 Primary Election. Comm. Hoff moved to approve June 1st through June 4th and June 7th as early voting dates. Comm. Elkin seconded. All voted Aye and the motion carried.

Richard Jordan, Stark County Resident, requested to have his penalty and interest on his property forgiven. Tom Henning, States Attorney, stated the statute states the Board of Commissioners does not have the authority to forgive penalty and interest.

The Board recessed at 10:00 AM for a Park Board meeting.

The Board reconvened at 10:30 AM.

Darren Czapiewski, Information Technology Coordinator and Recorder RaeDeen Weinberger requested the installation of wireless internet in the Recorder's office. Discussion was held regarding costs, execution and installation. A \$30.00 one time access fee will be charged to the user. Comm. Zander moved to accept the Recorder's request for wireless internet. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy gave an update on the task force and monthly transports.

Sheriff Clarence Tuhy discussed the purchase of a transport van for civil process. Discussion was held regarding available funds in the Sheriff's budget.

Brent Pringle, Emergency Manager, reported sand bags are still available to the public.

Brent Pringle, Emergency Manager, requested to place a page on facebook for Stark County Emergency Management Department for public informational purposes. The Commission approved it on a trial basis.

Brent Pringle, Emergency Manager, requested out-of-state travel for a four state meeting in Baker, Mt. Comm. Hoff moved to approve the out-of-state travel. Comm. Kuntz seconded. All voted Aye and the motion carried.

Brent Pringle, Emergency Manager, reported that the siren maintenance has been completed.

Brent Pringle, Emergency Manager, requested the Commission to adopt the Courthouse Evacuation Plan. Comm. Elkin moved to adopt the Courthouse Evacuation Plan. Comm. Zander seconded. All voted Aye and the motion carried.

Brent Pringle, Emergency Manager, reported Stark County has been awarded a \$10,000.00 grant for the repeater on Radar Base Hill.

Brent Pringle, Emergency Manager, reported he has submitted a \$25,000.00 grant for the tower replacement. At this time, the tower and land belong to the State of North Dakota. Research is being done in regards to obtaining the land. The 330' tower replacement package will be approximately \$50,000.00. The removal of the old tower and the installation of the new tower will be approximately \$100,000.00 to \$120,000.00. The radio building will be approximately \$35,000.00 to \$40,000.00. Miscellaneous costs will be approximately \$30,000.00 to \$35,000.00. The total tower cost will be approximately \$250,000.00. Stark County will share the cost with 9-1-1. Comm. Zander moved to move forward with the replacement of the tower. Comm. Elkin seconded. All voted Aye and the motion carried.

Auditor Alice Schulz reported Stark County has been awarded \$91,050.00 from the Energy Efficiency and Conservation Block Grant (EECBG). Of that amount, \$16,050.00 is Stark County's share.

The following **Miscellaneous Receipts** were filed: General: \$134,847.76; 10-Mill: \$14,423.08; County Road: \$155,512.88; Highway Tax Distribution: \$177,672.38; Special Road & Bridge: \$4,333.30; Social Services: \$166,908.80; County Poor: \$60,347.53; IT-Computer/Updates: \$782.35; Capital Improvement: \$94,566.86; Oil & Gas Infrastructure: \$13,280.57; County Park: \$406,833.85; County Jail: \$11,003.18; Insurance: \$30,148.30; Comp Health: \$6,011.39; Emergency: \$1,444.43; VSO: \$1,911.75; Social Security: \$17,656.14; Advertising: \$743.46; County Agent: \$3,456.18; Weed Control: \$7,425.37; 911 Revenue: \$22,666.62; Adult Education: \$137.78; Fingerprint Station: \$216.00; Domestic Violence: \$420.00; Traf Safety Grant: \$2,837.95; Estimate Tax: \$4,526.60; Game and Fish: \$109.00; Security/Transfer DJS Reimb: \$275.28; SW Victim Witness Program: \$14,492.97; Domestic Violence Rape Crisis Center: \$821.50; Preservation Fee: \$1,989.00; State Reimbursements: \$619.50; Other Reimbursements: \$178.19; Judgment Execution: \$200.00; 911 Equipment: \$7,555.63;

Comm. Hoff moved to adjourn. Comm. Zander seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman

Official Proceedings

**April 19, 2010
10:30 am**

Chairman Duane Wolf called the special meeting of the Stark County Board of Commissioners to order. All members present.

Comm. Zander moved to accept Rohr Development Corporations bid of \$1,520,000 for 86.8 acres of raw land, plus or minus 5% upon final survey containing a metes and bounds description. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin moved to adjourn. Comm. Kuntz seconded.

Alice Schulz, Auditor

Duane A. Wolf, Chairman

